IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 17598 of 2007(T)

{O.S.NO.228/2007 OF THE ADDL.MUNSIFF COURT, KOCHI}

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PETITIONER:

P.H.SHAKEER,
S/O.P.N.HARDER, AGED 33,
C.C.2/780, YMCA ROAD,
KUNNUMPURAM, KOCHI-1, REPRESENTEED
BY HIS P.A.HOLDER SRI.K.J.CLEETUS,
S/O.K.A.JOSEPH, AGED 35, KUNNATH,
FORT KOCHI, KOCHI-1.

BY ADVS. SRI.G.KRISHNAKUMAR
SRI.B.S.SURAJ KRISHNA

RESPONDENTS:

1. NAUSHAD, AGED, S/O.A.P.MOHAMMED,
AMBALAPARAMBIL, H.NO.CC.1/1935,
YMCA ROAD, KUNNUMPURAM,
FORT KOCHI, KOCHI-1.

2. BUILDING INSPECTOR,
CORPORATION OF COCHIN, ZONAL OFFICE,
FORT KOCHI, KOCHI-1.

3. SECRETARY, CORPORATION OF COCHIN,
OFFICE OF THE CORPORATION OF COCHIN,
PART AVENUE, ERNAKULAM.

R3 BY ADV.SRI.S.RAMESH BABU -
SC FOR CORPORATION OF COCHIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

W.P.(C) No.17598 of 2007 T

Dated this the 8th day of June, 2007.

JUDGMENT

This writ petition is filed seeking to quash Ext.P4 order and to direct the Additional Munsiff's Court, Kochi to issue carbon copy of the order dated 4.6.2007.

2. Heard learned counsel for the petitioner.

3. As far as the prayer for quashing Ext.P4 order is concerned, I am not prepared to entertain that prayer, obviously for the reason that an order passed under Order XXXIX of the Code of Civil Procedure is appealable under Order XLIII and therefore, this court shall not exercise its jurisdiction which is vested with an appellate court.

4. So far as the prayer regarding issuance of carbon copy is concerned, if the party has properly applied for, even though belatedly, the Additional Munsiff's Court,

Kochi should see that the carbon copy is handed over to the party at the latest by **11.06.2007,** and the Registry is directed to communicate this order by phone to the Additional Munsiff's Court, Kochi for necessary compliance with this order.

Writ petition is disposed of as above.

Sd/-
(M.N.KRISHNAN)
JUDGE

sk/

//true copy//

P.S. To Judge